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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,336	09/24/2003	Lila Madour	P18033US2	4409
7590 10/07/2008				
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EXAMINER				
KARIKARI, KWASI				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
10/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,336

Applicant(s)

MADOUR, LILA

Examiner

KWASI KARIKARI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 2,9 and 15-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 08/08/2008 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues that the combination of Chowdhury and Hsu fails to teach/mention or describe the claimed limitation;

[“ prepaid quota” for “service instance and an auxillary service instance”] (as recited in claim 1).

The examiner, however disagrees with such an assertion since the examiner must give each presented claim, its broadest reasonable interpretation in view of the Applicant's invention.

In contrast to Applicant's assertion, Chowdhury teaches the “prepaid quota” and “service instance and an auxillary service instance” (= mobile station 14 subscribes to a prepaid data packet service; and purchases packet data in advance in an access provider network 12a that includes PDNS 18 (see [0016-18 and 0025]); and PDSN responses to the Simple IP or Mobile IP session request by sending Access-Request message to HAAA/PPS 32; and HAAA performs subscriber authentication and authorization; and each PDSN is a network access server through which mobile stations connect to the packet data network such as the internet (see [0017 and 0026-27]); whereby the data packet service is being associated with the “service instance” and connection between the mobile nodes and PDSN, is being associated with the “auxillary service stance”).

Hsu, in the combination to Chowdhury, also mentions the "service instance and an auxiliary service instance" (= service option, SO connection is used for selected service option such as packet data services such Voice over IP communications; and each packet flow is assigned to A10 connection, see Pars. 0016-8 and 0022).

Based on the above clarification/remarks, the Examiner maintains that the argued limitations are being taught by Chowdhury and Hsu. Therefore, the Office Action is being maintained and made Final as shown below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-8 and 10-14 are rejected under U.S.C. 103(a) as being unpatentable over Chowdhury et al (U.S. 20040106393 A1), (hereinafter Chowdhury) in view of Hsu et al. (U.S. 20040008632), (hereinafter Hsu).

Regarding claims 1 and 8, Chowdhury discloses a method for setting up a prepaid quota (= see [0020-21]) for a prepaid subscriber in a Packet Data Access Node (PDAN) (= mobile station 14 subscribes to a prepaid data packet service; and purchases packet data in advance in an access provider network 12a that includes PDNS 18, see [0016-17 and 0025]), the method comprising the steps of:

a. receiving a registration request from a Mobile Node (MN) (= mobile station 14 establishes radio communication with PDSN; and request for a prepaid packet data session, see [0004-5 and 0025]);

b. responsive to the registration request, communicating with an Accounting Prepaid Server (HAAA/PPS) and obtaining an indication that the MN is allowed prepaid service over at least one auxiliary service instances associated with a service option (=PDSN responses to the Simple IP or Mobile IP session request by sending Access-Request message to HAAA/PPS 32; and HAAA performs subscriber authentication and authorization, see [0026-27]);

d. responsive to the indication, requesting by the PDAN from the HAA/PPS a prepaid quota relative to the at least one auxiliary service instance (= PDSN requests allocation of PPVQ for prepaid packet data session, see [0029]);

e. receiving by the PDAN the prepaid quota from the HAAA/PPS (= PPS returns to PDSN an accounting-response message including PPVQ of 50K, see [0029]).

Chowdhury fails to specifically disclose "establishing a primary service instance for the MN" and "pre-installing" the prepaid quota for the at least one auxiliary service instance in the PDAN.

However, Hsu teaches "establishing a primary service instance for the MN" (= SIP signaling connection through which packet flow will be transported, see [0065]) and "pre-installing" the prepaid quota for the at least one auxiliary service instance in the PDAN (= a message request that leads to the reservation of resource in a node of a system (see [0016, 0018-20 and 0065]; whereby the reservation of resource is being associated with the "pre-installing prepaid quota").

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Hsu with the system of Chowdhury for the benefit of achieving a system that includes the reservation of resources and packet filters that used by a node to recognize a particular packet flow (see Hsu; Par. [0020]).

Regarding claims 3 and 10, as recited in claims 1 and 8, Chowdhury further discloses the method/PDAN/system, wherein the indication also specifies that a profile of the prepaid subscriber includes a subscription to one or more particular service options (see Pars. [0018, 0020 and 0025]).

Regarding claims 4 and 11, as recited in claims 3 and 10, Chowdhury further discloses the method/PDAN/system, wherein the PDAN is a CDMA2000 Packet Data Service Node (PDSN) and the prepaid subscriber is a CDMA2000 subscriber (see Par. [0019]).

Regarding claims 5 and 12, as recited in claims 4 and 10, Chowdhury fails to disclose the method/PDAN/system, wherein the one or more service options includes service option 60.

However, Hsu teaches method/PDAN/system, wherein the one or more service options includes service option 60 (= header compression, SO 61, see Pars. [0068-70 and 0135]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Hsu with the system of Chowdhury for the benefit of achieving a system that includes the reservation of resources and packet filters that used by a node to recognize a particular packet flow (see Hsu; Par. [0020]).

Regarding claims 6 and 13, as recited in claims 4 and 10, Chowdhury fails to disclose the method/PDAN/system, wherein the one or more service options includes service option 61.

However, Hsu teaches method/PDAN/system, wherein the one or more service options includes service option 61 (see Pars. [0140 and 0145]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Hsu with the system of Chowdhury for the benefit of achieving a system that includes the reservation of resources and packet filters that used by a node to recognize a particular packet flow (see Hsu; Par. [0020]).

Regarding claims 7 and 14, as recited in claims 4 and 10, Chowdhury further disclose the method/PDAN/system, wherein the PDSN receives the indication in a RADIUS Access Accept message sent by the HAAA/PPS.

CONCLUSION

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/KWASI KARIKARI/

Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617